

FIRST REGULAR SESSION

# HOUSE BILL NO. 963

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOUGHTON (Sponsor), PFAUTSCH, MCGAUGH, SPENCER,  
WOOD, HURST AND SCHIEFFER (Co-sponsors).

0602H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 569.140, 569.150, 575.010, and 575.120, RSMo, and to enact in lieu thereof four new sections relating to crimes committed on agricultural property, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 569.140, 569.150, 575.010, and 575.120, RSMo, are repealed and  
2 four new sections enacted in lieu thereof, to be known as sections 569.140, 569.150, 575.010,  
3 and 575.120, to read as follows:

569.140. 1. A person commits the crime of trespass in the first degree if he knowingly  
2 enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon  
3 real property.

4 2. A person does not commit the crime of trespass in the first degree by entering or  
5 remaining upon real property unless the real property is fenced or otherwise enclosed in a manner  
6 designed to exclude intruders or as to which notice against trespass is given by:

7 (1) Actual communication to the actor; or

8 (2) Posting in a manner reasonably likely to come to the attention of intruders.

9 3. Trespass in the first degree is a class [B] **A** misdemeanor.

569.150. 1. A person commits the offense of trespass in the second degree if he enters  
2 unlawfully upon real property of another. This is an offense of absolute liability.

3 2. Trespass in the second degree is [an infraction] **a class B misdemeanor**.

575.010. The following definitions shall apply to this chapter and chapter 576:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

2 (1) "Affidavit" means any written statement which is authorized or required by law to  
3 be made under oath, and which is sworn to before a person authorized to administer oaths;

4 (2) "Government" means any branch or agency of the government of this state or of any  
5 political subdivision thereof;

6 (3) "Highway" means any public road or thoroughfare for vehicles, including state roads,  
7 county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

8 (4) "Judicial proceeding" means any official proceeding in court, or any proceeding  
9 authorized by or held under the supervision of a court;

10 (5) "Juror" means a grand or petit juror, including a person who has been drawn or  
11 summoned to attend as a prospective juror;

12 (6) "Jury" means a grand or petit jury, including any panel which has been drawn or  
13 summoned to attend as prospective jurors;

14 (7) "Official proceeding" means any cause, matter, or proceeding where the laws of this  
15 state require that evidence considered therein be under oath or affirmation;

16 (8) "Police animal" means a dog, horse or other animal used in law enforcement or a  
17 correctional facility, or by a municipal police department, fire department, search and rescue unit  
18 or agency, whether the animal is on duty or not on duty. The term shall include, but not be  
19 limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and  
20 rescue dogs and tracking animals;

21 (9) "Public record" means any document which a public servant is required by law to  
22 keep;

23 (10) **"Public servant", any person employed in any way by the state or political**  
24 **subdivision of this state who is compensated by the state or political subdivision of this**  
25 **state by reason of such person's employment, any person appointed to a position with the**  
26 **state or any political subdivision of this state, or any person elected to a position with the**  
27 **state or any political subdivision of this state. Public servant includes, but is not limited**  
28 **to, members of the general assembly, jurors, members of the judiciary, law enforcement**  
29 **officers, and state inspectors employed by state agencies. Public servant does not include**  
30 **witnesses;**

31 (11) "Testimony" means any oral statement under oath or affirmation;

32 [(11)] (12) "Victim" means any natural person against whom any crime is deemed to  
33 have been perpetrated or attempted;

34 [(12)] (13) "Witness" means any natural person:

35 (a) Having knowledge of the existence or nonexistence of facts relating to any crime; or

36 (b) Whose declaration under oath is received as evidence for any purpose; or

37 (c) Who has reported any crime to any peace officer or prosecutor; or

38 (d) Who has been served with a subpoena issued under the authority of any court of this  
39 state.

575.120. 1. A person commits the crime of false impersonation if such person:

2 (1) Falsely represents himself or herself to be a public servant with purpose to induce  
3 another to submit to his or her pretended official authority or to rely upon his or her pretended  
4 official acts, and

5 (a) Performs an act in that pretended capacity; or

6 (b) Causes another to act in reliance upon his or her pretended official authority;

7 (2) Falsely represents himself or herself to be a person licensed to practice or engage in  
8 any profession for which a license is required by the laws of this state with purpose to induce  
9 another to rely upon such representation, and

10 (a) Performs an act in that pretended capacity; or

11 (b) Causes another to act in reliance upon such representation; or

12 (3) Upon being arrested, falsely represents himself or herself, to a law enforcement  
13 officer, with the first and last name, date of birth, or Social Security number, or a substantial  
14 number of identifying factors or characteristics as that of another person that results in the filing  
15 of a report or record of arrest or conviction for an infraction, misdemeanor, or felony that  
16 contains the first and last name, date of birth, and Social Security number, or a substantial  
17 number of identifying factors or characteristics to that of such other person as to cause such other  
18 person to be identified as the actual person arrested or convicted.

19 2. If a violation of subdivision (3) of subsection 1 of this section is discovered prior to  
20 any conviction of the person actually arrested for an underlying charge, then the prosecuting  
21 attorney, bringing any action on the underlying charge, shall notify the court thereof, and the  
22 court shall order the false-identifying factors ascribed to the person actually arrested as are  
23 contained in the arrest and court records amended to correctly and accurately identify the  
24 defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and  
25 court records.

26 3. If a violation of subdivision (3) of subsection 1 of this section is discovered after any  
27 conviction of the person actually arrested for an underlying charge, then the prosecuting attorney  
28 of the county in which the conviction occurred shall file a motion in the underlying case with the  
29 court to correct the arrest and court records after discovery of the fraud upon the court. The court  
30 shall order the false identifying factors ascribed to the person actually arrested as are contained  
31 in the arrest and court records amended to correctly and accurately identify the defendant and  
32 shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

33 4. Any person who is the victim of a false impersonation and whose identity has been  
34 falsely reported in arrest or conviction records may move for expungement and correction of said

35 records under the procedures set forth in section 610.123. Upon a showing that a substantial  
36 number of identifying factors of the victim was falsely ascribed to the person actually arrested  
37 or convicted, the court shall order the false identifying factors ascribed to the person actually  
38 arrested as are contained in the arrest and court records amended to correctly and accurately  
39 identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and  
40 court records.

41           5. False impersonation is a class [B] **A** misdemeanor unless the person represents himself  
42 to be a law enforcement officer **or public servant** in which case false impersonation is a class  
43 [A misdemeanor] **D felony**.

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